

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT No. **1022**

T03-0011

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the CSX Transportation, Inc., hereinafter referred to as the "Company", the County of Fayette, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as Hagerstown Road (CH-11) located near Hagerstown, Fayette County Illinois, designated as crossing DOT 546 501P, milepost 176.39-CRA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should remove the existing automatic flashing light signals and install new automatic flashing light signals and gates controlled by constant warning time circuitry;
- b) The County should improve and thereafter maintain the highway approaches to the track substantially as shown on Exhibit C, Page 3 attached;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The County has prepared a preliminary estimate of cost which is attached as Exhibit C, to accomplish the proposed improvement which it may be required to perform; The County shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 5 The Company and County shall each upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to perform the work in Section 2 (a) is estimated at \$155,466. The Grade Crossing Protection Fund (Fund), should pay 95% of the actual installation costs, not to exceed \$147,693, with the Company paying all remaining installation costs as well as all future operating and maintenance costs.
- b) The cost to perform the work in Section 2 (b) is estimated at \$8,919.28. The County should pay 100% of the cost as well as all future maintenance costs.

Section 7 The County is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit D.

Section 8 Special Provisions: The County should be granted a variance to the requirements of 92 IL Adm. Code 1535.204 and should be allowed to improve and thereafter maintain the highway approach grades as denoted on Exhibit C, Page 3 attached to this Stipulated Agreement. 1535.204 grade requirement cannot be reasonably or financially obtained due to the closeness of Rt 140 on the south, TR 1420 N and a grain elevator entrance on the north.

The Company and County shall each at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and County shall each at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company/County employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 8th day of November, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1022 concerning improvements at the Hagerstown Road highway/ rail grade crossing of the CSX Transportation, Inc.'s track, near Hagerstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 501P, Milepost 176.39-CRA.

Executed by the Department this 2nd day of December 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James G. Castleton
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1022 concerning improvements at the Hagerstown Road highway/ rail grade crossing of the CSX Transportation, Inc.'s track, near Hagerstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 501P, Milepost 176.39-CRA.

Executed by the County of Fayette this 10th day of December 2002.

FAYETTE COUNTY

By: *Alan E. Black*

Attest: December 11, 2002

Terri D. Braun
Fayette County Clerk

FILED
DEC 11 2002
Terri Braun
COUNTY CLERK & RECORDER
FAYETTE COUNTY, ILLINOIS

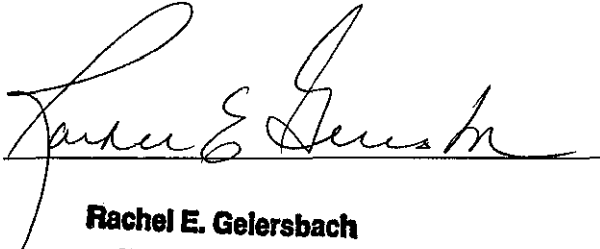
Illinois Commerce Commission Stipulated Agreement No. 1022 concerning improvements at the Hagerstown Road highway/ rail grade crossing of the CSX Transportation, Inc.'s track, near Hagerstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 501P, Milepost 176.39-CRA.

Executed by the Company this 23rd day of January ~~2002~~ 2003

CSX TRANSPORTATION, INC.

By: 
Dale W. Ophardt
Chief Engineer - Design & Construction

Attest:


Rachel E. Gellersbach
Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line CSX Milepost 176.39-CRA Inventory # 546 501P
City (N) Hagerstown Street Hagerstown Rd. County Fayette
CH-11)
Jurisdiction County Urban Rural XX Commercial Residential
Street Surface Oil/Chip Width 18' Condition Fair
Angle 80° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>T/A</u>	<u>25'</u>	<u>Fair</u>
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Intersecting Roads 100' TR-1420N 200' IL RT 140
Traffic Control Devices Present Stop Signs at RT 140
ADT 225 Speed unposted Statewide Yes
School buses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 26 @ 60 mph Pass. -- @ -- mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Warning Devices AFLS

Advance Warning Signs Yes Pavement Marking No

Visibility Study

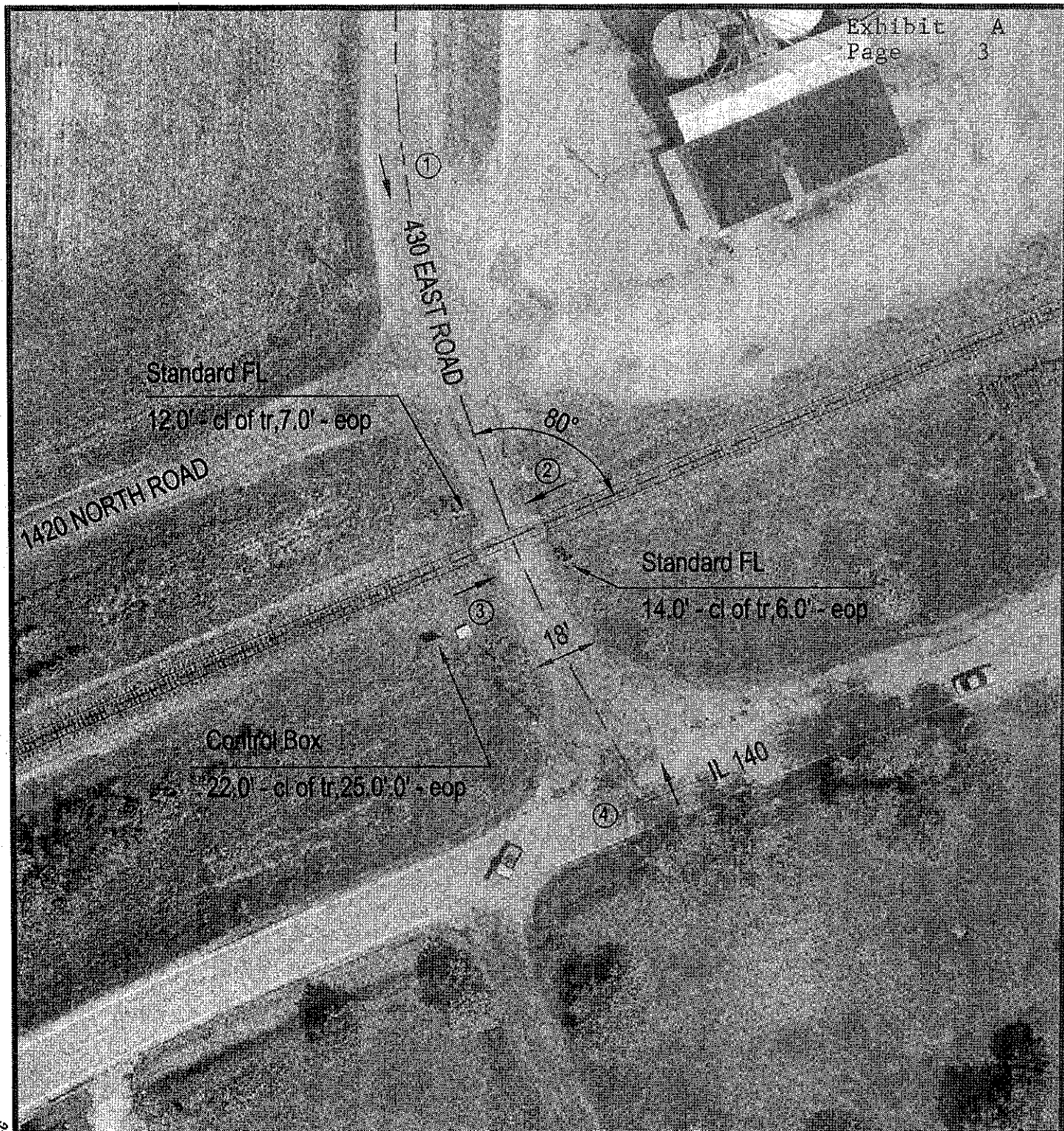
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE				
NW				
SE				
SW				

Approach Grades

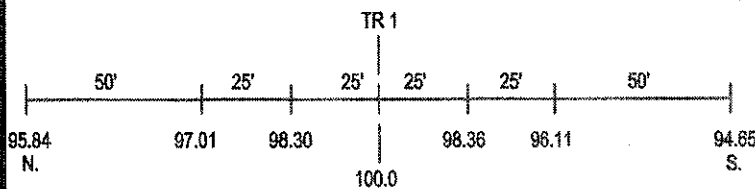
North	See	Exh. %	C	Att. %		%
South	"	" %	"	" %		%

Comments: _____

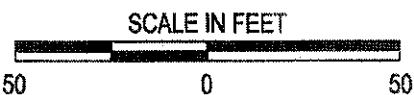
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ROAD PROFILE



③ Photo Location

Crossing #: 546501P
 Location: Fayette Co., City of Hagerstown (N)
 Lat/Long: 38°56'37" / 89°10'10"
 Railroad: CR
 Street: 430 East Road
 Railroad Milepost: 176.40
 Crossing Protection: Train Activated Devices